



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Fumio Nagumo  
Serial No. : 09/700,150  
Filed : February 5, 2001  
For : INFORMATION RECEIVING DEVICE AND  
INFORMATION RECEIVING METHOD  
Examiner : Hoye, Michael W.  
Art Unit : 2623  
Confirmation No. : 2773

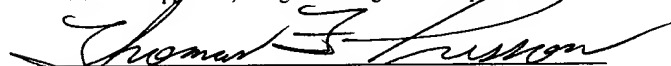
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Thomas F. Presson, Reg. No. 41, 442

\_\_\_\_\_  
Name of Applicant, Assignee or Registered Representative

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
November 8, 2006

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Date of Signature

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants request review of the Final Rejection dated August 8, 2006 in the above-captioned application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. Please consider the reasons stated herein.

## **REASONS FOR REQUEST**

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 17-30 are pending. Claims 17 and 24 are independent. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112.

### **II. REJECTIONS UNDER 35 U.S.C. §102(e)**

Claims 17-30 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,698,020 to Zigmond, et al. (hereinafter, merely “Zigmond”).

Claim 17 recites, *inter alia*:

“An information receiving device for...displaying the commercial information with the program information, comprising:

**combining means for combining said program information with said commercial information in accordance with said control data and outputting the combined program and commercial information for display;**” (Emphasis added)

As understood by Applicant, Zigmond relates to a system and method for selecting and inserting advertisements into a video programming feed at the household level. An advertisement insertion device in a home entertainment system receives a plurality of advertisements from an advertisement source. The advertisement insertion device selects one of the advertisements for display to a viewer according to advertisement selection criteria combined with viewer and system information. The video programming is displayed to a viewer while the advertisement insertion device monitors the programming feed for a triggering event indicating an appropriate time to display the selected advertisement. At the appropriate time, the video programming feed is interrupted and the selected advertisement is displayed.

Applicant respectfully submits that nothing has been found in Zigmond that would teach or suggest the above-identified features of claim 17. Specifically, Zigmond does not teach or suggest an information receiving device, comprising combining means for combining said program information with said commercial information in accordance with said control data and outputting the combined program and commercial information for display, as recited in independent claim 17.

The Office Action relies on video switch 68 located in ad insertion device 60 as taught by Zigmond to teach the combining means as recited in claim 17. However, Zigmond discloses on column 8, lines 32-35 that “video switch 68 toggles between video programming feed 52 and selected advertisements of advertisement stream 64 and transmits the selected data feed to display device 58.” Therefore, video switch 68 clearly does not combine the program information with the commercial information in accordance with the control data and output the combined program and commercial information for display, as recited in claim 17.

Therefore, Applicant respectfully submits that independent claim 17 is patentable.

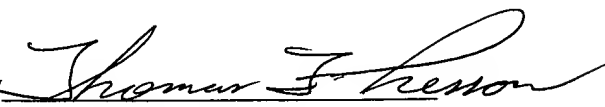
For reasons similar to, or somewhat similar to, those described above with regard to independent claim 17, independent claim 24 is also believed to be patentable.

The other claims in this application are each dependent on an independent claim discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Please charge any additional fees that may be needed, and credit any  
overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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